

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 454

September 21, 1995, 11:06 a.m.
Page S-14005 Temp. Record

FOREIGN OPERATIONS APPROPRIATIONS/Embargoed Arms, Repaying Pakistan

SUBJECT: Foreign Operations, Export Financing, and Related Programs Appropriations Bill for fiscal year 1996 . .
. H.R. 1868. Brown amendment No. 2708 to the committee amendment beginning on page 15, line 17.

ACTION: AMENDMENT AGREED TO, 55-45

SYNOPSIS: As reported, H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill for fiscal year 1996, will provide \$12.34 billion in new budget authority for foreign aid programs in fiscal year (FY) 1996. This amount is \$2.43 billion below the President's request, and \$1.19 billion below the FY 1995 appropriated amount.

The committee amendment beginning on page 15, line 17, would amend the Housing Guaranty Program account.

The Brown amendment would require the release to Pakistan of embargoed military equipment for which that country paid \$368 million prior to the imposition of a foreign assistance embargo on it. The amendment would also authorize the sale to a third country of 28 F-16 fighters which were sold to Pakistan before the embargo, and would require the proceeds from such a sale to be used to reimburse as much as possible of the \$684 million spent by Pakistan to date on those aircraft. (The embargo, which would not be lifted by the Brown amendment, was placed on Pakistan in 1990 by a Pressler amendment due to nuclear proliferation concerns.) The Brown amendment would also amend the embargo language to make clear that assistance could be given for the following purposes: for counternarcotics purposes; for military-to-military contact, training, humanitarian, and civic assistance projects; for peacekeeping and other multilateral obligations; and for antiterrorism assistance. Finally, the President could waive storage fee costs on embargoed items, and nothing in this amendment would affect sanctions for transfers of missile equipment or technology under the Export Administration Act or the Arms Export Control Act.

NOTE: The Senate earlier failed to table the amendment (see vote No. 452).

Those favoring the amendment contended:

(See other side)

YEAS (55)			NAYS (45)			NOT VOTING (0)	
Republicans (42 or 78%)		Democrats (13 or 28%)	Republicans (12 or 22%)		Democrats (33 or 72%)	Republicans (0)	Democrats (0)
Ashcroft	Jeffords	Baucus	Abraham	Akaka	Kennedy		
Bond	Kassebaum	Bryan	Bennett	Biden	Kerrey		
Brown	Kempthorne	Dodd	Coverdell	Bingaman	Kerry		
Burns	Kyl	Ford	D'Amato	Boxer	Kohl		
Campbell	Lott	Graham	DeWine	Bradley	Lautenberg		
Chafee	Lugar	Harkin	Frist	Breaux	Leahy		
Coats	McCain	Heflin	Gramm	Bumpers	Levin		
Cochran	Murkowski	Inouye	Hatfield	Byrd	Lieberman		
Cohen	Nickles	Johnston	Mack	Conrad	Moynihan		
Craig	Packwood	Mikulski	McConnell	Daschle	Nunn		
Dole	Roth	Moseley-Braun	Pressler	Dorgan	Pell		
Domenici	Santorum	Murray	Specter	Exon	Pryor		
Faircloth	Shelby	Reid		Feingold	Robb		
Gorton	Simpson			Feinstein	Rockefeller		
Grams	Smith			Glenn	Sarbanes		
Grassley	Snowe			Hollings	Simon		
Gregg	Stevens				Wellstone		
Hatch	Thomas						
Helms	Thompson						
Hutchison	Thurmond						
Inhofe	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Pakistan entered into contracts to buy F-16s and certain other defense articles from the United States. Those contracts were all entered into between 7 years and 9 years ago. Shortly thereafter, the United States, due to nonproliferation concerns, placed a foreign assistance embargo on Pakistan. That embargo has prevented the delivery on Pakistan's contracts. However, none of Pakistan's money has been returned. Pakistan remained hopeful for many years that the United States would lift the embargo, and made additional payments on those contracts. At one point, it renegotiated its contract with the United States to purchase only 28 F-16s instead of 71, as originally planned. Still, the United States refused to deliver the planes. Finally an agreement has been negotiated between this Administration and Pakistan. The F-16s will be sold, with the proceeds used to repay Pakistan, and the remaining equipment, 5 more years out of date, will be delivered. This agreement cannot be implemented unless agreed to by Congress. We have therefore proposed the Brown amendment.

Senators have conceded that it is not fair to keep Pakistan's money and the weapons it has bought, but they have raised two objections to this amendment. First, they have said that it will lead to greater nuclear proliferation. Second, they have stated that it will reward Pakistan for being dishonest with the United States. On the first point they are wrong, and on the second point our colleagues should review the United States' own history of dissembling before casting stones. Pakistan felt compelled to pursue the course it did in defense of its national interests.

Pakistan has been a faithful ally. In 1950, Pakistan joined the United States in repelling the North Korean invasion of South Korea at the United States' request. In 1954, it joined the Central Treaty Organization despite opposition from the Soviet Union. In 1959, it allowed the United States to build air bases in Pakistan for reconnaissance flights over the Soviet Union. In 1970, it allowed Henry Kissinger to enter China through Pakistan which led to the establishment of relations between China and the United States. From 1979 to 1989 Pakistan helped extensively in covert efforts to help the Afghan rebels. In 1992 and 1993 it was at the forefront of peacekeeping operations, and, most recently, it extradited the man suspected to have masterminded the terrorist attack on the World Trade Center, despite intense opposition from its radical Islamic neighbors.

Pakistan has often paid heavily for its steadfast alliance with the United States. It took care of millions of Afghan refugees during the Afghan war, and was often attacked militarily by the Soviet Union during that war. More notably, its assistance to the United States in opening relations with China led to a Russia-India pact, and resulted in India attacking Pakistan. East Pakistan was lost during that war. The United States, despite a mutual defense treaty with Pakistan, failed to come to its aid.

Every Senator is well aware why Pakistan has sought to acquire nuclear weapons. Its enemy, India, has acquired such weapons. Its enemy, which has attacked it before, is much stronger militarily. Of course, India, like Pakistan, has never admitted to having nuclear weapons, but we have concluded through other methods that both countries almost certainly have them. While it is clearly in the United States' interest to prevent the spread of nuclear weapons technology, it is just as clearly in Pakistan's national security interest to be able to resist India militarily. Its first priority must be to defend itself. We believe it has acquired nuclear weapons, and we believe it lied in the process, but we do not find anything shocking in its lying to protect its national security. Ironically, we remind our colleagues of the fact that President Eisenhower lied about Francis Gary Powers when he was shot down on a spy flight over the Soviet Union that had originated out of Pakistan. Pakistan was subjected to bombing threats from the Soviet Union as a result of that incident. The United States has frequently lied on national security interests.

In Pakistan's defense, it has not pursued the nuclear option as its first choice. Over the years, it has made the following proposals: a nuclear-free south Asia zone, 1973; a joint Indo-Pakistan declaration renouncing the acquisition and manufacturing of nuclear weapons, 1978; mutual inspections of Pakistani and Indian nuclear facilities, 1979; simultaneous acceptance by India and Pakistan of international nuclear safeguards and simultaneous acceptance by India and Pakistan of the Nuclear Non-Proliferation treaty, 1979; a bilateral or regional nuclear test ban treaty, 1987; and a multilateral conference on nuclear proliferation in south Asia, 1991. India rejected every proposal.

In 1990, when it became clear that Pakistan had acquired nuclear weapon capabilities, a ban on military and nonmilitary assistance was imposed. The ban, in practice, is not total--some U.S. aid, such as through international lending institutions, still reaches Pakistan (the Brown amendment would clarify the legality of that aid in addition to resolving outstanding contracts). The restrictions, though, are permanent. In contrast, when India, a much less loyal ally of the United States, has violated U.S. laws on proliferation, the sanctions have been less severe and have been temporary. Treatment between these two allies has not been equal.

Senators who are worried about upsetting the balance of power between India and Pakistan should be aware that there is not any balance now. India has twice as large an army, twice as large a Navy, twice as many airplanes, twice as many tanks, and in every other measure is greatly stronger militarily. Further, whether this sale is released or not, we know that India is ready to purchase hundreds of millions of dollars worth of more defense articles from Russia, including advanced fighter planes. This amendment is not about balancing military powers off against each other; it is about fairness.

The Brown amendment would not in any way affect the arms embargo, nor would it tilt the military balance. All it would do is resolve contracts that were entered into before the embargo. Out of basic fairness, this amendment should be passed.

Those opposing the amendment contended:

In the mid-1980s, the Carter Administration shut off aid to Pakistan because of its alleged nuclear activities. In 1985, a Cranston

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amendment was offered in the Foreign Relations Committee to block direct military and economic aid to Pakistan statutorily. A Pressler amendment was then offered to the Cranston amendment at the behest of the Reagan Administration to allow Pakistan to receive aid if the President certified it did not have a nuclear weapon. Over the next several years, Pakistan repeatedly assured American officials that it did not have a nuclear weapons program, and military aid was provided. Pakistan was fully aware that it was United States policy to deny it assistance if it had nuclear weapons. It publicly agreed with that policy. In 1990, though, President Bush notified Congress that through technical means the United States had determined that Pakistan had nuclear weapons. That same notification has been given each year since, so an aids embargo has been in place.

The fact of the matter is that Pakistan lied, and lied repeatedly. We have literally dozens of statements from different officials that are absolutely false. We cannot speak about the evidence, because it is classified; we can only speak about our conclusions. Our conclusions are that Pakistan has had an aggressive nuclear weapons policy for years, that it now has an aggressive missile acquisition policy, and that it has increasingly been cooperating with Iran, which is trying to become a nuclear power. Senators who doubt us should review the classified evidence.

Before the embargo was put into effect in 1990, Pakistan had entered into contracts to purchase F-16s and other military equipment. It knew when it purchased these items that it was purchasing them in violation of United States law, because it knew it was developing nuclear weapons. Pakistan, therefore, has absolutely no right to have these weapons.

Nevertheless, the Brown amendment would allow it to have all the weapons except for the F-16s, which would be sold to a third party and the proceeds given to Pakistan in reimbursement. Additionally, even though Pakistan still has nuclear weapons, the Brown amendment would make the embargo apply to military items only. Actually, the sale of the F-16s is an acceptable proposal, but the first half is not. We are not about to let Pakistan get away with purchasing military equipment directly. The items that would be delivered, according to many military analysts, would tilt the military balance in the region, forcing India to respond by buying even more weaponry. India, which is on less than friendly terms with Pakistan, has a much more powerful military than does Pakistan, but then again it also has China with which to deal.

China has nuclear weapons, which causes India to believe it needs nuclear weapons, which causes Pakistan to believe it needs nuclear weapons. This chain reaction, or proliferation, is exactly what the Pressler amendment was enacted to stop. Having numerous hostile nations with nuclear weapons increases the chance that someday nuclear weapons will be used. The Pressler amendment has had a strong effect around the world. Other nations, such as Taiwan and Brazil, when they saw the United States was not willing to back down for its long-time faithful ally Pakistan, stopped their nuclear weapons programs. We should not abandon the Pressler amendment by agreeing to the Brown amendment.

We are not anti-Pakistan. It has been a faithful ally, and we hope that it remains so for years to come. The Pressler amendment did not cut off all ties--some types of aid are still given, and it remains a close ally in military and law enforcement activities. Further, our intention is not to side with India. We have frequently condemned that nation's nuclear weapon policies and we have supported sanctions against it in the past.

The question before the Senate, though, is not whether Pakistan is an ally, or whether India is also guilty of nuclear proliferation; the only question is whether Pakistan should be allowed to take delivery of goods that it purchased in violation of U.S. law. Our answer, emphatically, is "no."